



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,346	12/01/2000	Richard G. Sheehan	9518-001-99	1857

7590 12/16/2004

Supervisor, Patent Prosecution Services  
PIPER MARBURY RUDNICK & WOLFE LLP  
1200 Nineteenth Street, N.W.  
Washington, DC 20036-2412

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/726,346

Applicant(s)

SHEEHAN ET AL.

Examiner

Stefano Karmis

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2000.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 11 and 19-38 is/are allowed.  
6) ☒ Claim(s) 1-10 and 12-18 is/are rejected.  
7) ☒ Claim(s) 10, 11, 19 and 38 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The following application has been reviewed. Original claims 1-38 are pending.

#### ***Claim Objections***

2. Claims 10, 11, 19 and 38 objected to because of the following informalities: The term "about" renders the claims to be indefinite. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 3624

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-10 and 12-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Luskin et al. (hereinafter Luskin) 6,336,102 in view of Atkins, U.S. Patent 5,875,437.

Regarding claim 1, Luskin teaches a method for determining useful life of a financial asset comprising a factor of rates that are keyed to the time horizon of a fund (column 2, lines 24-47). Luskin further teaches market data including interest rates in combination with cash flow to determine present value (column 6, line 45-53). Luskin fails to teach combining two rates for a financial calculation. Atkins teaches combining fixed and floating rates to aid in determining a balance of a loan over different time horizons (column 37, lines 47-67). Atkins further teaches considerations such as net income and dividends when calculating information which are used in retention rate determination (column 14, lines 45-65 and column 27, line 53 thru column 28, line 67). It would have been obvious to one of ordinary skill in the art that the teachings of Luskin could have been modified to include the teachings of Atkins because provides information needed used to determine various rates which can be used in time horizon determinations and it provides an efficient data for determining a factor of a financial instrument such as useful life as well as provide information needed used to determine various rates which can be used in time horizon determinations.

Art Unit: 3624

Claim 2, selecting one of a plurality of variables affecting at least one of the retention rates (column 6, line 45-53).

Claim 3, Luskin fails to teach determining sensitivity. Official Notice is taken that determining sensitivity is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art to determine sensitivity because it provides various possible outcomes and thus provides more reliable information.

Claim 4, Luskin teaches the ability to forecast scenarios using market data (column 6, lines 54-65).

Claims 5-9, the financial assets comprise deposits, financial instruments or a combination thereof (column 2, lines 38-63).

Claim 10, Luskin fails to specify the length of the time frame. Official Notice is taken that time frames for financial data are old and well known in the art. It would have been obvious of one of ordinary skill in the art to provide a time line of 4 years because it provides an efficient time frame to recover and process information to determine trends with financial data.

Claims 12-14, Luskin fails to teach checking for outliers and exogenous variables. Official Notice is taken that validating calculations is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Luskin to

Art Unit: 3624

include determining outliers and exogenous variables because it provides an efficient manner to assist in validating financial calculations.

Claim 15, Luskin teaches to include interest rate calculations as one of the calculations (column 6, lines 46-53).

Claims 16 and 17, the forecasting scenarios includes providing future values for use in calculations (column 4, lines 26-35 and column 6, lines 46-65).

Claim 18, outputting the predicted useful life of the combined assets (column 7, lines 17-25).

***Allowable Subject Matter***

Claims 11 and 19-38 are allowed.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
13 December 2004

  
**HANI M. KAZIMI**  
**PRIMARY EXAMINER**